

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

NOLLE PROSEQUI

MAMDOUH MAHMUD SALIM, :

a/k/a "Abu Hajer al Iraqi," S10 98 Cr. 1023 (LAK)

a/k/a "Abu Hajer," :

Defendant. :

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1. The filing of this nolle prosequi will dispose of this case with respect to MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," the defendant.

2. On December 20, 1998, MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," the defendant, first appeared in the Southern District of New York following his arrest on a Complaint. On January 6, 1999, Indictment S4 98 Cr. 1023 was unsealed, charging SALIM and others with terrorism offenses. Thereafter, SALIM was charged in the following Superseding Indictments: S5 98 Cr. 1023, S6 98 Cr. 1023, S7 98 Cr. 1023, S9 98 Cr. 1023, and S10 98 Cr. 1023.

3. The operative Indictment against MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," the defendant, is S10 98 Cr. 1023, which was unsealed on March 12, 2001, and which charges SALIM with (a) conspiracy to kill U.S.

nationals, in violation of 18 U.S.C. § 2332(b) (Count One); (b) conspiracy to murder, in violation of 18 U.S.C. §§ 1114, 1116, and 1117 (Count Three); (c) conspiracy to destroy buildings and property of the United States, in violation of 18 U.S.C. § 844(n) (Count Five); and (d) conspiracy to attack U.S. national defense utilities, in violation of 18 U.S.C. § 2155(a) and (b) (Count Six).

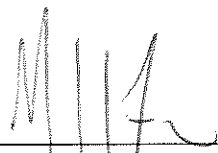
4. In April 2002, MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," the defendant, was separately convicted, in United States v. Salim, No. 01 Cr. 02 (DAB) (SDNY), of (a) conspiracy to murder a federal official, in violation of Section 1117, and (b) attempted murder of a federal official, in violation of Section 1114. SALIM is serving a sentence of life imprisonment in connection with that conviction.

5. Because MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," the defendant, is serving a life sentence in federal prison, the Government believes that trying him on the instant charges is unwarranted. A trial would impose a significant toll on victims -- many of whom are located overseas -- as well as on U.S. and foreign law enforcement partners. Such emotional and financial costs are both especially acute -- because the charges brought in 2001 involve events that occurred overseas more than 20 years ago -- and

particularly needless -- because SALIM already is serving a life sentence, and a conviction here would not result in additional punishment.

6. I therefore recommend that an order of nolle prosequi be filed as to MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," the defendant, with respect to Indictments S4 98 Cr. 1023, S5 98 Cr. 1023, S6 98 Cr. 1023, S7 98 Cr. 1023, S9 98 Cr. 1023, and S10 98 Cr. 1023.

Dated: New York, New York
April 4, 2019

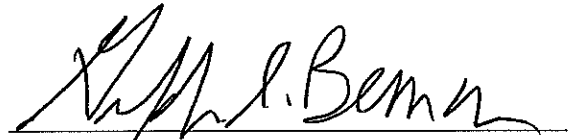


Michael Ferrara
Assistant U.S. Attorney
212-637-2526

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," the defendant, with respect to Indictments S4

98 Cr. 1023, S5 98 Cr. 1023, S6 98 Cr. 1023, S7 98 Cr. 1023, S9
98 Cr. 1023, and S10 98 Cr. 1023.

Dated: New York, New York
April 30, 2019

A handwritten signature in black ink, appearing to read "G. S. Berman", written over a horizontal line.

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

SO ORDERED THIS _____ day of April 2019.

HON. LEWIS A. KAPLAN
United States District Judge
Southern District of New York